

ZONE CHANGE APPLICATION:

Z-1-2008

Gary Nielson

1751 West 3100 South

R-1-4 to C-2

0.49 acres

Gary Nielson has requested a zone change for a 0.49 acre parcel at 1751 West 3100 South from R-1-4 (single family residential, minimum lot size 4,000 square feet) to C-2 (general commercial). Surrounding zones include RMH (residential, mobile homes) to the north, C-2 (general commercial) to the east, C-2 and RMH to the south, and A and RMH to the west. Surrounding land uses include the American Heritage Mobile Home Park to the north, single family homes and the Redwood Village Mobile Home Park to the west and south, and an abandoned single family home and mobile home to the east. The subject property is designated as medium density residential, which allows 6 to 10 units/acre, in the West Valley City General Plan. The Plan also calls for general commercial uses to the east.

The subject property was rezoned from A (agriculture) to R-1-4 last year. The proposal at that point was for 3 single family home lots. A development agreement was approved in conjunction with the rezone.

The latest proposal is for a 17 room assisted living facility. A concept plan is attached. Also attached is a memo from the applicant addressed to West Valley Planning and Zoning that explains the rationale behind the application, describes the proposed use, and includes pictures of the proposed use.

The General Plan does call for medium density residential on the subject property; however, staff believes that a General Plan change is not necessary because: the property to the east is zoned C-2, the General Plan designation for the property to the east is general commercial, and the proposed use is residential in nature.

Since the proposed use as assisted living is a relatively low impact use, staff recommends a development agreement to be approved in conjunction with the rezone that would limit the use to an assisted living facility. The development agreement should also address building design. Normally, the commercial design standards apply to new commercial uses. However, in this situation, staff recommends the multi-family residential design standards be used for the building design review.

Staff Alternatives:

- Approval, subject to a development agreement that limits future use of the property to an assisted living facility and requires the building to meet the architectural requirements from the multi-family residential design standards.

- Continuance, for other reasons determined at the public hearing.

-Denial, single family homes are a more appropriate use of the property.

Applicant:

Gary Nielson
295 Eagle Ridge
North Salt Lake, UT 84054

Discussion: Steve Pastorik presented the application. This area was recently rezoned to 'R-1-4' (residential, single family, 4,000 square ft. minimum) but is now being petitioned for a 'C-2' (general commercial) zone to accommodate an assisted living facility. Mr. Pastorik explained that the latest concept of this facility includes seventeen rooms. The applicant, Gary Nielson, explained that he had originally thought to mix the facility with a residential area. An assisted living facility is allowed in a residential zone but Mr. Nielson explained that it must be owner occupied. Mr. Nielson said that this facility would be run like a business and so he must request a change to a 'C-2' zone.

Commissioner Matheson asked if the residents of this facility would require nursing care. Mr. Nielson replied that no nursing staff would be needed. Employees would assist residents by providing their medications but if they go into a state where they require nursing care, they would be moved to another facility. Commissioner Matheson questioned if a van would be provided for the residents. Mr. Nielson replied that this is a possibility but he hasn't made a final decision on this matter yet. One of the advantages of the location of this facility is that it is near a multi-purpose center that provides senior programs.

Chairman Woodruff asked if the residents would have a car. Mr. Nielson said that typically they would not. Most of the residents that live in this type of planned facility would normally be in their seventies or older. Families want their loved ones to come to this facility because they can interact with other people in a comfortable, home-like environment. Mr. Nielson explained that most often families would provide any transportation needs so the residents would not require a car.

Commissioner Davis explained that she had been to a Beehive Home facility and was very impressed. She asked the applicant whether Beehive Homes was a company. Mr. Nielson explained that each location was independently owned and was more like a franchise. Beehive Homes is the first business to develop this concept of a facility that doesn't require a nursing staff.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Fuller moved for approval subject to the development

agreement that limits future use of the property to an assisted living facility. This also requires the building to meet the architectural requirements from the multi-family residential design standards.

Commissioner Davis seconded the motion.

Roll call vote:

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous – Z-1-2008 – Approved